

REMARKS

Amendments

Claims 23, 44 and 45 have been amended and it is requested that the Examiner reconsider the Restriction Requirement in view thereof. No new matter is presented by virtue of the within amendments; support therefor can be found throughout the specification and original claims of the application.

Response to Restriction Requirement

The claims of the application have been restricted into two (2) groups. In particular, the Examiner has taken the position that the subject matters of claims 23-43 and claims 44-45, respectively, do not fulfill the unity of invention requirement. The assertion is made that the two groups of claims fail to share the same or corresponding special technical features.

Applicant respectfully requests reconsideration of the assertion of lack of unity in view of the remarks which follow and also in light of the within amendments.

Independent claim 23 defines a process for preparing a biological material using a laser light absorbing film for smoothing out irregularities on the surface of the biological material in order to improve visual characteristics of the biological material. Claims 44-45 relate to an arrangement and system, respectively, comprising a biological material having such a laser light absorbing film. In other words, claims 44-45 define an arrangement and a system, respectively, having been manufactured by using the process of independent claim 23.

It follows then that independent claim 23 and independent claims 44 and 45 do share the same or corresponding special technical features, namely the use of a laser light absorbing transparent film for smoothing out irregularities on the surface of a biological material.

The Office Action refers to WO 00/66994 and alleges that the technical feature relating to a biological material coated with a transparent laser light absorbing film for smoothing out irregularities is already known from this document. In particular, the Examiner asserts that the present claims do not require any specific degree of light absorption and all materials will absorb at least some light at least one wavelength.

It is noted, however, that WO 00/66994 merely discloses that a transparent film is applied to the surface of a biological material in order to improve the visualization of the biological materials (see Fig. 10c and the accompanying text). There is no indication in WO 00/66994 that this transparent film actually is a laser light absorbing film (much less a UV laser light absorbing film as recited in the amended claims).

On the other hand, according to the present invention, a transparent UV laser light absorbing film is used, e.g., in so called laser microdissection systems in which individual biological objects are cut out of a biological material (together with the transparent laser light absorbing film) by laser irradiation. According to a preferred embodiment of the invention, the biological objects cut out are then transferred to a receptacle irradiating these biological objects with a single laser shot.

It also is noted that the independent claims of the application have been amended in a further effort to obviate the assertion of 'lack of unity'. In particular, claims 23, 44 and 45 have been amended to recite "UV laser light absorbing film", which feature is amply supported by the specification.

The noted amendments further define the laser wavelength at which the film actually is a "transparent laser light absorbing film", supporting Applicant's position that there is indeed unity of invention. In view of the foregoing, Applicant kindly requests that the Examiner reconsider and withdraw the restriction requirement.

Nonetheless, Applicant understands that a complete response to the Restriction Requirement must include an election of one of the two groups as well as an election of a single species, even if arguments are presented in an effort to traverse the Examiner's restriction requirement.

In that regard, if the Examiner maintains the restriction, even in view of the amendments presented within, Applicant elects the subject matter of **Group I**, directed to claims 23-43.

Further still, in regard to the requested species election, Applicant submits that a search of all three application methods - spraying, brushing and immersion – should not pose any burden on the Office. However, since an election has to be made, Applicant elects the species of claim 24 corresponding to spraying for initial search purposes.

As acknowledged in the Office Action, the species election restricts examination / further prosecution of the present application only if no generic claim is finally held to be allowable. Thus, it is respectfully requested that all three application methods be properly searched and examined in relation to the present invention.

The afore-mentioned elections are being made solely to comply with, and be fully responsive to, the restriction requirement set forth in the Office Action. The right to file one or more divisional applications on non-elected subject matter is reserved as is the right to request rejoinder of other withdrawn claims as that right is set forth in the Office Action.

Early and favorable examination is requested.

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Response to Restriction Requirement

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